

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

GEOFFREY ASHER,

Plaintiff,

vs.

WCO

MARK MCCLURE, *et al.*,

Defendants

CIVIL ACTION FILE

NO. 2:08-CV-0035-

DECLARATION OF THOMAS D. WIGHT

STATE OF GEORGIA

COUNTY OF LUMPKIN

COMES NOW THOMAS D. WIGHT, who declares and affirms that
the following statements are true and correct:

1.

My name is THOMAS D. WIGHT. I am more than eighteen (18)
years of age and legally competent to give this Declaration. Except where
apparent, the statements contained in this Declaration are based upon my
personal knowledge and recollection.

2.

I am a Member in good standing with the State Bar of Georgia and am an Assistant District Attorney for the Enotah Judicial Circuit, State of Georgia, which includes Lumpkin County, Georgia.

3.

I am the assistant district attorney primarily responsible for the prosecution of Geoffrey Asher in State v. Asher, Case No. 08-CR-332-MM (Lumpkin County Superior Court).

4.

April 30, 2008, the defendant was observed exceeding the speed limit by 20 miles per hour. He fled from sheriff's deputies and refused to obey lawful commands of officers attempting to apprehend him for the traffic violation. After a protracted standoff the defendant was apprehended and his residence searched by personnel from the Lumpkin County Sheriff's Office.

5.

June 10, 2008, the Lumpkin County Grand Jury indicted the defendant for four felony and three misdemeanor violations of Georgia State law.

6.

July 23, 2008, the Defendant was arraigned before Chief Judge David E. Barrett. Mr. Raymond George entered an appearance on behalf of the defendant. Mr. George filed a motion to dismiss the indictment. He also filed two motions to suppress evidence and elected to proceed under Georgia's reciprocal discovery rules. The case was assigned to Judge Murphy C. Miller.

7.

August 12, 2008, the State provided discovery to Mr. George. On that same date, Judge Miller published his trial calendar for the week of October 20, 2008. Cases are placed on the calendar in chronological order by indictment date. State v. Asher, 08-CR-332 MM, was case number 91. The calendar set motions for September 5.

8.

August 19, 2008, Mr. George filed a notice of conflict for September 5, 2008.

9.

September 3, 2008, Mr. George requested additional discovery.

10.

September 5, 2008, the State informed Mr. George that the patrol car video was available in the District Attorney's Office for him to view. Mr. George and the defendant viewed the video sometime after September 11 but before October 14, 2008. I am uncertain of the exact date they viewed the video.

11.

September 11, 2008, Judge Miller removed the case from the October 20 trial calendar at Mr. George's request. Mr. George claimed he had received no discovery. The State provided discovery on August 12 and supplemented discovery September 5, but was not given the opportunity to be heard before the order was issued and the case removed from the trial calendar.

12.

October 10, 2008, Judge Miller set a hearing on the defendant's motion to dismiss indictment for October 14, 2008.

13.

October 13, 2008, the Rule Nisi was served on the State.

14.

October 14, 2008, Judge Miller heard the defendant's motion to dismiss. He took the matter under advisement and has not yet ruled on the motion.


15.

November 4, 2008, Judge Miller published his January 26, 2009, trial calendar. The defendant's case is number 43 on this calendar. Motions are set for November 25, 2008.

Declaration under 28 U.S.C. § 1746

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6 day of November, 2008, in the State of Georgia, United States of America.


THOMAS D. WIGHT
ASSISTANT DISTRICT ATTORNEY
ENOTAH JUDICIAL CIRCUIT